

Kristi Cahoon Kelly

From: Ramana, Anand V. [ARamana@mcguirewoods.com]
Sent: Thursday, September 27, 2012 4:04 PM
To: Andrew Guzzo
Cc: Vicki Ward; Suzie Rotkis; lenbennett@clalegal.com; Kristi Cahoon Kelly; Pumphrey, Brian E.
Subject: RE: September 26, 2012 Meet and Confer

Andrew,

See my edits in brackets below.

We are currently investigating per the brackets below. I will keep you updated as news comes in.

Thanks,

Anand V. Ramana
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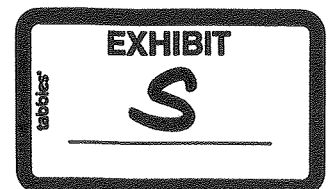
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From: Andrew Guzzo [mailto:aguzzo@sipfirm.com]
Sent: Wednesday, September 26, 2012 9:26 PM
To: Ramana, Anand V.; Pumphrey, Brian E.
Cc: Kristi Cahoon Kelly; lenbennett@clalegal.com; Suzie Rotkis; Vicki Ward
Subject: September 26, 2012 Meet and Confer

Anand,

I am writing to memorialize the agreements reached today regarding Bank of America's discovery responses. If I have misstated or omitted anything, please let me know. Otherwise, please send me a response confirming the details below. Also, as you indicated, please send a follow-up e-mail tomorrow detailing when you will supplement the responses. Finally, please let me know if you have reconsidered your position on any of your objections not withdrawn as detailed below.

Interrogatories:



- BOA has withdrawn its general objections , [with the understanding that Plaintiffs are not seeking post-lawsuit communications]
- Interrogatory #1 – Plaintiffs will withdraw

- Interrogatory #2 – BOA will withdraw your vagueness objection; BOA will [investigate whether such data exists, and if so,] provide the Metro II Data, but will not provide contact information.
- Interrogatory #3 – BOA will supplement response [and provide Bates nos.], but will not withdraw objections.
- Interrogatory # 4 – BOA will supplement with more detail.
- Interrogatory # 5 – BOA will not provide contact information of the BOA employees.
- Interrogatory #7 – BOA will provide (to the extent they exist) any training manuals for any BOA employees identified in the interrogatories.
- Interrogatory #9 – BOA will not provide this information absent court order [because it is unclear whether any other lawsuit are factually similar to this case].
- Interrogatory #10 – the scope has been narrowed from January 1, 2008 through the present, and we of course are not seeking any documents exchange between your firm and BOA after this case was filed. You will produce responsive documents (to the [extent] they exist).
- Interrogatory #11 – you will [investigate whether such data exists, and if so,] provide Metro II data as allowed by Federal Rule 33(d).

Requests for Production:

- General Objections are withdrawn [with the understanding that Plaintiffs are not seeking post-lawsuit communications]
- RFP#2 – BOA will not produce without court order. [This is not an accurate reflection of our position. We have agreed to produce all documents subject to our objection, which properly narrows the scope of the Interrogatory to only those documents that have any bearing on this case.]
- RFP #3 – Plaintiff has agreed to limit from January 1, 2008, through present. BOA will produce responsive documents (to the extent they exist) such as Metro II Data, and bulletins/manuals etc. about policies on reporting during modification.
- RFP#4 – BOA will not produce.
- RFP #5 – Plaintiffs have withdrawn this request.
- RFP #9 – BOA will not withdraw objection, but will produce (to the extent they exist).
- RFP #10 – BOA will not withdraw objection, [but have agreed to produce all documents subject to our objection, which properly narrows the scope of the Interrogatory to only those documents that have any bearing on this case.]
- RFP #11 – BOA will produce if you have them, but will not withdraw objection.
- RFP # 12 - scope has been narrowed from January 1, 2008, through present, and only pertaining to E-Oscar. BOA will produce (to the extent they exist).
- RFP #13 – scope has been narrowed from January 1, 2008, through present. BOA will produce responsive documents (to the extent they exist) subscriber agreements and instruction materials with your client and produce if you have.
- RFP #14 – will not produce.
- RFP #15 – will not produce.
- RFP #18 – scope has been narrowed to affidavits, depositions, etc. relating to credit reporting [by those persons that are expected to testify at trial]. BOA will produce (to the extent they exist).
- RFP #20 – will not produce.
- RFP #22 – scope has been limited to complete procedures manual for investigation (and revisions) relating to E-Oscar [BOA will investigate whether such documents exist, and produce if so.] .
- RFP #23 – your objection was withdrawn [with the understanding that Plaintiffs are not seeking post-lawsuit communications]
- RFP #24 – you will produce responsive documents such as Credit Reporting Resource Guide (to the extent they exist).
- RFP #25 – Will [look into the issue, and if correct,] be supplemented to none.
- RFP #26 – BOA will [look into whether internal investigation memoranda exist, and, if so] produce (to the extent they exist).

- RFP #28 – narrowed to credit reporting department. BOA will not produce. [This is not an accurate reflection of our position. We have agreed to investigate whether there is such a document for BOA's credit department, and will produce to the extent it exists.]
- RFP #29 – BOA will not produce.

Thank you.

Andrew J. Guzzo, Esq.

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